

UNITED STATES  
DEPARTMENT OF EDUCATION



OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATION SERVICES  
REPORT OF INVESTIGATION CONCERNING

[REDACTED] Special Agent, US Environmental Protection Agency  
Investigation # 10-120068

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[REDACTED]  
Name of Investigator

[REDACTED]  
Signature

16 JUNE 10  
Date

[REDACTED]  
Name of Approving Official

[REDACTED]  
Signature

16 JUNE 2010  
Date

[REDACTED] 6/16/10

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UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF INSPECTOR GENERAL  
INVESTIGATION SERVICES



OI FILE NO: 10-120068

DATE: March 26, 2010

REPORT OF: Special Agent [REDACTED]

OFFICE: SIU

PREPARED BY: [REDACTED] Investigator

DISTRIBUTION: US Environmental Protection Agency, Office of Inspector General  
Headquarters, Investigation Services (IS)

SYNOPSIS

On December 03, 2009, the U.S. Department of Education (ED), Office of Inspector General (OIG), signed a Memorandum of Agreement (MOA) with the U. S. Environmental Protection Agency (EPA) Office of Inspector General (OIG), for the provision of Investigation Services to perform an independent employee misconduct investigation. In the MOA, EPA OIG outlined the investigative authority and requirements to conduct an investigation of EPA OIG Special Agent (SA) [REDACTED]. This investigation was to determine if SA [REDACTED] as required by EPA Operating Instructions 204 (OI-204) "Firearms and Law Enforcement Equipment" and EPA Operating Instructions 203 (OI-203) "Medical Standards and Physical Requirements For OIG Criminal Investigators", [REDACTED]

On March 12, 2010, SA [REDACTED] through the advice of Counsel, declined to participate in a voluntary interview with ED OIG Investigators. On March 15, 2010, ED OIG contacted the US Attorney's office in [REDACTED] to present SA [REDACTED] case for criminal prosecution for alleged false statements. On April 6, 2010, the U.S Attorney's office declined to prosecute SA [REDACTED] (b) (5)

(b) (5) On April 22, 2010, SA [REDACTED] with the telephonic presence of [REDACTED] attorney, [REDACTED] underwent a compelled interview. SA [REDACTED] stated that [REDACTED]

A review of SA [REDACTED] records revealed [REDACTED]

Interviews with current and previous supervisors did not support [REDACTED] statements [REDACTED]

## NARRATIVE

EPA OIG has established medical standards and physical requirements for individuals entering and retained in federal law enforcement positions. As such, EPA OIG codified their medical standards and disclosure requirements in EPA OIG Operating Instructions 204 (OI-204) "Firearms and Law Enforcement Equipment" (ATTACHMENT 1) and EPA Operating Instructions 203 (OI-203) "Medical Standards and Physical Requirements For OIG Criminal Investigators" (ATTACHMENT 2). In order to monitor the physical and mental health of OIG Special Agents, EPA OIG retains the FOHS to conduct periodic physical examinations and annual medical record reviews. This process provides EPA OIG a baseline to continuously evaluate and determine a Special Agent's fitness for duty. As required by this process

(ATTACHMENT 3).

### Record Analysis:

On January 21, 2010, in accordance with the ED/EPA OIG MOA (ATTACHMENT 4), EPA provided to ED OIG, SA [REDACTED] personnel records maintained by SA [REDACTED] supervisor [REDACTED] EPA OIG [REDACTED] supervisor for the purpose of this investigation. The files provided to ED OIG investigators for analysis contained documents and records on SA [REDACTED] medical, biographic, policy acknowledgement certifications, personnel security, and [REDACTED] (ATTACHMENT 5). The records were reviewed and analyzed to provide a baseline of SA [REDACTED] EPA OIG duties, job performance, medical history, and operating instruction compliance.

In [REDACTED] SA [REDACTED] was hired by the EPA OIG after [REDACTED] years [REDACTED] with [REDACTED] SA [REDACTED] is an EPA OIG Criminal Investigator (1811), GS [REDACTED] duty location [REDACTED] current supervisor of record is Special Agent in Charge (SAC) [REDACTED] who is located at the EPA OIG [REDACTED]

On [REDACTED] prior to being hired, SA [REDACTED] provided EPA OIG [REDACTED] document that disclosed training, awards and [REDACTED] According to SA [REDACTED]

SA [REDACTED] (ATTACHMENT 6). On [REDACTED] EPA OIG [REDACTED] (ATTACHMENT 7).

From [REDACTED] to [REDACTED], with the exception of the years [REDACTED] and [REDACTED], SA [REDACTED] completed the FOHS questionnaire for [REDACTED] annual medical review and physical exam (ATTACHMENT 3). FOHS medical records for [REDACTED] were not found in SA [REDACTED] files; however, SA [REDACTED]

During this period, FOHS cleared SA [REDACTED] for participation in physical training and certified that [REDACTED] met all physical and functional requirements for the position of an EPA OIG Special Agent.

On [REDACTED] SA [REDACTED] signed an EPA OIG certification form that [REDACTED] had read EPA OIG Policy 204, "Firearms and Law Enforcement Equipment". This signed form acknowledged that SA [REDACTED] read and understood EPA OIG'S policy pertaining to statutory

law enforcement authority and the use of firearms. No certifications were found in the record for EPA OI Policy 203, "Medical Standards and Physical Requirements for OIG Criminal Investigators". In [REDACTED] and [REDACTED], SA [REDACTED] National Security Personnel Questionnaire (SF-86).

(ATTACHMENT 8).

In [REDACTED] SA [REDACTED]  
for [REDACTED]  
On [REDACTED]

In [REDACTED] SA [REDACTED] was notified that [REDACTED]

On [REDACTED] SA [REDACTED]  
received notice from EPA OIG management that [REDACTED] was required [REDACTED]

(ATTACHMENT 9).

In March 2010, ED OIG obtained SA [REDACTED] record [REDACTED]

(ATTACHMENT 10).

In addition [REDACTED] SA [REDACTED]  
[REDACTED] from [REDACTED] to [REDACTED] are consistent with SA [REDACTED] the  
FOHS. The record analysis revealed that from [REDACTED] to [REDACTED] SA [REDACTED] was  
[REDACTED] FOHS [REDACTED]  
for [REDACTED] were not available during FOHS medical record review [REDACTED]

(ATTACHMENT 11).

#### Source Interviews

On [REDACTED] 2010, [REDACTED] EPA OIG, was interviewed. [REDACTED] is assigned to  
EPA OIG [REDACTED] office. [REDACTED]

(ATTACHMENT 12).

On [REDACTED] 2010, [REDACTED] EPA OIG [REDACTED] was interviewed (ATTACHMENT 13). [REDACTED] stated of SA [REDACTED] because [REDACTED] was notified [REDACTED] SA [REDACTED]

On [REDACTED] 2010, contact was made with [REDACTED] of the FOHS (ATTACHMENT 14). [REDACTED] provided a year by year review and evaluation of SA [REDACTED] from [REDACTED] to [REDACTED]. The medical records used for the review were obtained from the FOHS [REDACTED] review of the medical record revealed that on each medical review or physical exam, SA [REDACTED]

[REDACTED] acknowledged that medical files for the years [REDACTED] were not included in the records that were sent from FOHS [REDACTED]. After the medical record review, [REDACTED] stated that during the time period in question, [REDACTED] regard to SA [REDACTED]

On [REDACTED] EPA OIG [REDACTED] was interviewed (ATTACHMENT 15). At the time of the interview, [REDACTED]

[REDACTED] volunteered that in [REDACTED] during an EPA OIG [REDACTED]

On [REDACTED] 2010, [REDACTED] who is SA [REDACTED] record, was interviewed (ATTACHMENT 16). [REDACTED] stated that [REDACTED]

During [REDACTED] SA [REDACTED] had a conversation with a coworker [REDACTED]

On [REDACTED] 2010, SA [REDACTED] with the presence of [REDACTED] attorney, [REDACTED] who participated in the interview telephonically, underwent a compelled interview with SA [REDACTED] and Investigator [REDACTED] (ATTACHMENT 17). SA [REDACTED] was provided an ED OIG Acknowledgement of Rights and Obligations Form (Kalkines Warning) which [REDACTED] read and signed. (ATTACHMENT 18). SA [REDACTED] stated that in [REDACTED] after [REDACTED] separated from [REDACTED] to accept employment with EPA OIG. During the EPA OIG hiring process, [REDACTED] had to provide a [REDACTED] from the [REDACTED] to EPA OIG. This form [REDACTED]

SA [REDACTED] was provided with an exhibit of EPA Operating Instruction (OI) 203 "Medical Standards and Physical Requirements for OIG Criminal Investigators", dated March 6, 2008. SA [REDACTED] stated that [REDACTED] had knowledge of the EPA OI [REDACTED]

[REDACTED] SA [REDACTED] stated [REDACTED] was aware and understood EPA OI 203 policy requirements. SA [REDACTED] was provided an exhibit of EPA OIG (OI) 204 "Firearms and Law Enforcement Equipment" dated October 22, 2007. SA [REDACTED] stated that [REDACTED] had knowledge and understood EPA OI 204 [REDACTED]

ED OIG Investigators provided SA [REDACTED] with an exhibit of [REDACTED] completed FOHS [REDACTED] SA [REDACTED] stated that [REDACTED] were accurate. SA [REDACTED] stated [REDACTED] first full medical exam with the FOHS was in [REDACTED]

stated that in the [REDACTED] and [REDACTED] time frame, [REDACTED] did not have a medical exam with the FOHS [REDACTED]

SA [REDACTED] stated that in [REDACTED] had a full FOHS medical exam and medical records review. [REDACTED]

SA [REDACTED] stated that [REDACTED] is a Federal Law Enforcement Agent in the possession of a firearm. SA [REDACTED]

SA [REDACTED] stated that [REDACTED] has never told any coworkers that [REDACTED] SA [REDACTED] believes that [REDACTED] comments to coworkers in regard to [REDACTED]

On [REDACTED] 2010, [REDACTED] EPA OIG, was interviewed (ATTACHMENT 19). [REDACTED] was informed that [REDACTED] was being interviewed because [REDACTED] name was mentioned by SA [REDACTED] during [REDACTED] interview as someone who had knowledge [REDACTED]

[REDACTED] stated [REDACTED] has been employed with EPA OIG from [REDACTED] [REDACTED] is  
stationed in the EPA [REDACTED]  
[REDACTED] throughout [REDACTED] tenure with EPA OIG. [REDACTED]  
[REDACTED]

[REDACTED]



## ENTITIES AND INDIVIDUALS

SA [REDACTED]

DOB: [REDACTED]

Home Tele: [REDACTED]

Work Tele: [REDACTED]

## PROSECUTIVE STATUS

On March 15, 2010, the Assistant US Attorney (AUSA) [REDACTED] was contacted to provide the case facts as well as present current developments and evidence as it related to the EPA OIG allegations against SA [REDACTED]

(b) (5)

(b) (5) On April 6, 2010, ED OIG contacted the AUSA [REDACTED] and requested a decision. During this contact, the AUSA formally declined to criminally prosecute SA [REDACTED]

(b) (5) (ATTACHMENT 20).

## ATTACHMENTS

ATTACHMENT Number	Document Name
1	EPA Operating Instructions OI-204 [REDACTED]
2	EPA Operating Instructions OI-203 [REDACTED]
3	Federal Occupational Health Disclosure Forms
4	ED/EPA OIG Memorandum of Agreement
5	Personnel Records Review
6	[REDACTED]
7	[REDACTED]
8	SF 86 Form (National Security Questionnaire)
9	[REDACTED] Letter
10	[REDACTED] Report
11	FOHS [REDACTED] Analysis
12	[REDACTED] Interview MOI
13	[REDACTED] Interview MOI
14	[REDACTED] Interview MOI
15	[REDACTED] Interview MOI
16	[REDACTED] Interview MOI
17	[REDACTED] Interview MOI
18	[REDACTED] Acknowledgement of Rights and Obligations (Kalkines)
19	[REDACTED] Interview MOI
20	AUSA Declination Memo